

- Signed by Faith
as Dec 12, 2007
- copy to Tana as
Dec 14/07



Government of Canada
Fisheries and Oceans

Gouvernement du Canada
Pêches et Océans

To: Faith Scattolon
À:

Date:

Subject:

Objet: ALTON NATURAL GAS STORAGE
PROPOSAL, SHUBENACADIE RIVER, NS

From/De: Ted Potter

Via: Mike Murphy

☐ For Signature/Pour Signature

☒ Information

☐ For Comments/Pour commentaires

☐ Material for the Minister/Documents à l'intention du ministre

Remarks:

DISTRIBUTION

Melanie MacLean
Tana Worcester

Drafting Officer / Rédacteur :

Melanie MacLean 426-8033	<u>AM</u>	Date	<u>Dec 5, 2007</u>
Marci Penney- Ferguson	<u>MPF</u>	Date	<u>Dec 5, 2007</u>
Attila Potter	<u>A.P.</u>	Date	<u>Dec. 7/07</u>
Mike Murphy	<u>MM</u>	Date	<u>Dec 10/07</u>

BRIEFING NOTE FOR REGIONAL DIRECTOR-GENERAL

ALTON NATURAL GAS STORAGE PROPOSAL, SHUBENACADIE RIVER, NS

(Information Only)

SUMMARY

- Alton Gas Storage L.P. (Proponent) is proposing to develop an underground hydrocarbon storage facility near Alton, Nova Scotia. The facility would be developed by creating engineered salt caverns by means of a solution mining process. Water would be withdrawn from the Shubenacadie River estuary, used in the mining process, and then the resulting brine would be released back into the Shubenacadie River estuary.
- Fisheries and Oceans Canada (DFO) is participating in a provincial Environmental Assessment (EA) of the Alton Natural Gas Storage Project (Project). As part of this process, DFO provided comments to Nova Scotia Environment and Labour (NSEL) on the EA Registration Document.
- Based on reviewer's comments provided on the EA Registration Document, the Minister of NSEL decided that the Proponent would be required to provide Supplemental Information in relation to both fish and fish habitat and First Nations concerns.
- The Supplemental Information, received by DFO on November 26, 2007, is presently under review. Comments are due by December 6, 2007.

Background

- On July 6, 2007 the Proponent filed an EA Registration Document with NSEL in relation to the Project.

Deed
could ott p/s
provide me with a
copy of the
comments
provided to
NSEL
JS.

- 2 -

- The purpose of the proposed Project is to develop an underground hydrocarbon storage facility in a series of engineered salt caverns, by means of a solution mining process. Water would be withdrawn from the Shubenacadie River estuary, used in the mining process, and then the resulting brine would be released back into the Shubenacadie River estuary.
- On July 20, 2007 DFO provided comments on the EA Registration Document to NSEL, and followed up with more detailed comments on July 26, 2007.
- On July 31, 2007 the Minister of NSEL released his decision advising that the Proponent would be required to provide Supplemental Information in relation to both fish and fish habitat and First Nations concerns.
- On August 8, 2007 a meeting was held between the Proponent, their principal consultant, DFO and NSEL to discuss the process for moving forward with the provincial EA and also major concerns in relation to the Project.
- On September 19, 2007 an all-day working meeting was held to discuss fish and fish habitat concerns in relation to the proposed Project. Meeting participants included the Proponent, their consultants, NSEL and six representatives from DFO.
- On November 23, 2007 the Proponent registered the Supplemental Information. NSEL requires comments by December 6, 2007.

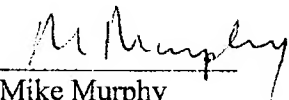
Analysis / DFO Comment

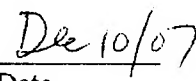
- DFO identified the potential for the Project to contravene both the *Fisheries Act* and the *Species at Risk Act*.
- Based on information provided to date, no requirement for authorizations or approvals under the *Fisheries Act* has been identified. Therefore, there is no requirement for DFO to conduct a federal environmental assessment.
- DFO is continuing to review the Project as more design details are provided by the Proponent.

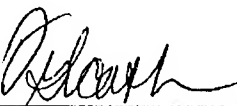
- 3 -

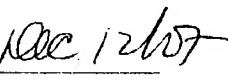
Recommendations / Next Steps

- DFO is reviewing the Supplemental Information and will provide comments to NSEL as part of the provincial EA review process.
- As more details are provided about the Project, DFO will re-assess whether there are any *Fisheries Act* regulatory requirements associated with the work.


Mike Murphy


Date


Faith G. Scattolon
Regional Director-General
Maritimes Region


Date

M. MacLean / M. Penney-Ferguson / A. Potter / M. Murphy/ jsh

- Signed by Faith
on Dec 17, 2007
- Copy to Tara
on Dec 18, 2007
- Ted to discuss
question posed
with Faith.

HM
Dec 18/07

BRIEFING NOTE FOR REGIONAL DIRECTOR-GENERAL

ALTON NATURAL GAS STORAGE PROPOSAL, SHUBENACADIE RIVER, NS

(Information Only)

SUMMARY

- Alton Gas Storage L.P. (Proponent) is proposing to develop an underground hydrocarbon storage facility near Alton, Nova Scotia. The facility would be developed by creating engineered salt caverns by means of a solution mining process. Water would be withdrawn from the Shubenacadie River estuary, used in the mining process, and then the resulting brine would be released back into the Shubenacadie River estuary.
- Fisheries and Oceans Canada (DFO) is participating in a provincial Environmental Assessment (EA) of the Alton Natural Gas Storage Project (Project).
- Although DFO has not yet identified the requirement for any authorizations, permits, etc. under the *Fisheries Act* or the *Species at Risk Act*, there is a high level of concern in relation to how the Project could affect fish and fish habitat, including a Species at Risk.
- As part of the provincial EA process, DFO undertook a review of the Environmental Registration Document. Based partially on the comments provided by DFO, the Minister of Nova Scotia Environment and Labour (NSEL) required the Proponent to provide Supplemental Information.
- Based on the review of the Supplemental Information, DFO has recommended to the province that, before a decision is made by NSEL on the issuance of an EA approval, the Proponent should provide additional information in relation to previously identified knowledge gaps.
- The Minister of NSEL will release an EA Decision on or before December 18, 2007.

-2-

Background

- The purpose of the proposed Project is to develop an underground hydrocarbon storage facility in a series of engineered salt caverns, by means of a solution mining process. Water would be withdrawn from the Shubenacadie River estuary, used in the mining process, and then the resulting brine would be released back into the Shubenacadie River estuary.
- On July 20, 2007 DFO provided comments on the EA Registration Document to NSEL, and followed up with more detailed comments on July 26, 2007.
- On July 31, 2007 the Minister of NSEL released his decision advising that the Proponent would be required to provide Supplemental Information in relation to both fish and fish habitat and First Nations concerns.
- On August 8, 2007 a meeting was held between the Proponent, their principal consultant, DFO and NSEL to discuss the process for moving forward with the provincial EA and also major concerns in relation to the Project.
- On September 19, 2007 an all-day working meeting was held to discuss fish and fish habitat concerns in relation to the proposed Project. Meeting participants included the Proponent, their consultants, NSEL and six representatives from DFO.
- On November 23, 2007 the Proponent registered the Supplemental Information. NSEL required comments by December 6, 2007.
- On December 11, 2007 DFO provided comments to NSEL on the Supplemental Information.

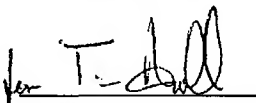
Analysis / DFO Comment

- There is still a high level of uncertainty regarding the prediction of effects on fish and fish habitat that could occur as a result of the Project.
- Based on the review of the Supplemental Information, DFO has recommended to the province that the Proponent provide additional information in relation to previously identified knowledge gaps before a decision is made by NSEL on the issuance of an environmental assessment approval.


- 3 -

Recommendations / Next Steps

- DFO is willing to continue to work with NSEL and the Proponent (e.g., review of project design details, monitoring and mitigation plans) with the following goals:
 - a. achieving greater certainty in the prediction of impacts on fish and fish habitat, and
 - b. further reducing impacts to fish and fish habitat.
- DFO has requested additional information to assist us in making a Harmful Alteration, Disruption or Destruction determination.


Mike Murphy

Dec 14/07
Date


Faith G. Scattolon
Regional Director-General
Maritimes Region

Dec 17/07
Date

M. MacLean / M. Penney-Ferguson / A. Potter / M. Murphy/ jsh

Dec 18/07

DFO has no
responsibility
to address
Aboriginal
concerns, only the
provinc (spoke
with Halc). Ted
Potter to contact
Faith. Delais

Who / how will
Aboriginal
concerns be
addressed?
Faith S

BRIEFING NOTE

TITLE OF ISSUE

Overview/Background

On July 6, 2007, Alton Natural Gas Storage LP registered an underground hydrocarbon storage facility project for environmental assessment, in accordance with the *Nova Scotia Environment Act*. The project involves the use of solution mining to create caverns in underground salt deposits with the brine solution to be deposited in the tidal area of the Shubenacadie River. DFO (FPP and Science) provided comments on the project but as there were no significant in-water works, the project did not require an authorization under the *Fisheries Act*. In 2007 Nova Scotia Environment (NSE) approved the undertaking with a number of conditions include monitoring for impacts to fish and fish habitat. DFO has concluded, with the appropriate mitigation and monitoring, the project will likely have no impact on fish and fish habitat.

1. Issue (Identify the issue)

During the Aboriginal Consultations undertaken by the Province of Nova Scotia, the Assembly of Nova Scotia Mi'kmaq and Sipekne'katik First Nation have raised significant concerns with the project, specifically around potential impacts to fish and fish habitat from the release of brine solution. The Assembly of Nova Scotia Mi'kmaq and Sipekne'katik First Nation have also stated the DFO should have consulted on the project even though there were no approvals required by DFO for the project.

2. Next Steps

DFO-FPP will continue to review information from the Province including the conditions of the operating approval for the brining operations. The Assembly of Nova Scotia Mi'kmaq, Sipekne'katik First Nation and Alton Gas have attempted to reach an agreement on an independent review of the project but there is still much disagreement and Sipekne'katik First Nation has pulled out of the discussions.

2. Related Stakeholders

The Assembly of Nova Scotia Mi'kmaq and Sipekne'katik First Nation are the main stakeholders but non-Aboriginal community members have also raised concerns with the project.

[Key Messages]

DFO continues to support the Aboriginal Consultation process undertaken by the Province of Nova Scotia and will provide any information and advice necessary.

- **As the regulator of the project, the Province of Nova Scotia maintains the role for Aboriginal Consultation and DFO will continue to provide support and advice as requested.**



Fisheries and Oceans
Canada

200 Kent Street
Ottawa, Canada
K1A 0E6

Pêches et Océans
Canada

200, rue Kent
Ottawa, Canada
K1A 0E6

PROTECTED

Your file - Votre référence

Our file - Notre référence

A-2019-00332 / LS

ADUT 1 4 2019
AUG



Dear



We have completed the processing of the documents in response to the request you submitted under the *Access to Information Act* for:

***"Revised Request (July 15, 2019):
All briefing notes pertaining to Alton Gas"***

The following is the release package in response to this request.

As it relates to some of the records contained in your release package, note that as the regulator of the project, the Province of Nova Scotia maintains the responsibility for Indigenous consultation on the project. Without any regulatory approvals for this project, DFO does not have a direct role in these consultations; however the Department did participate in the consultations led by the Province of Nova Scotia in order to provide information related fish and fish habitat.

Note also that the Melanie MacLean mentioned in this document is not the Melanie currently employed as the Indigenous and Consultation Advisor within the, Indigenous Relations and Partnerships Hub, Policy and Economics Branch. Comments attributed here are from another Melanie MacLean who was employed in the Habitat Management Division, Aquatic Ecosystems Branch at the time.

Please be advised that you are entitled to submit a complaint to the Information Commissioner of Canada concerning the processing of your request within sixty (60) days of receipt of this notice. In the event you decide to avail yourself of this right, your notice of complaint can be submitted online at - <https://www.oic-ci.gc.ca/en/submitting-complaint>, or by mail to:

Office of the Information Commissioner of Canada
30 Victoria Street
Gatineau, QC K1A 1H3

Should you have any questions, please contact Lisa Smith at 613-990-6528 or lisa.smith@dfo-mpo.gc.ca.

Yours sincerely,

César Kagame
Director
Access to Information and Privacy Secretariat

Enclosure:

1. Final release package: 8 pages on CD

Canada